

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KARLISS LYTTLE,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 06-cv-580-JPG
vs.)	
)	CRIMINAL NO. 03-cr-40024
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. On August 20, 2003, a jury found Petitioner guilty of one count of conspiracy to distribute and possess with intent to distribute more than 50 grams of cocaine base, in violation of 21 U.S.C. § 846, and two counts of distribution of less than five grams of cocaine base, in violation of 21 U.S.C. § 841(a)(1). On April 22, 2004, Petitioner was sentenced to 240 months imprisonment, ten years supervised release, a fine of \$500, and a special assessment of \$300. On April 29, 2004, Petitioner filed a notice of appeal. The Court of Appeals for the Seventh Circuit affirmed Petitioner's conviction and sentence on May 20, 2005, *see United States v. Penrod*, 133 Fed. Appx. 327 (7th Cir. 2005), and the Supreme Court denied a petition for writ of certiorari on October 3, 2005, *see Lyttle v. United States*, 126 S.Ct. 270 (2005). On July 26, 2006, Petitioner filed the instant motion pursuant to section 2255.

In his motion the Petitioner raises four grounds for relief: (1) that his trial counsel was ineffective for failing to conduct pretrial witness interviews, (2) that the evidence presented at trial

was insufficient to convict him of distribution of “crack,” (3) that he was sentenced in violation of *Blakely v. Washington*, 542 U.S. 296 (2004), and (4) that the Court incorrectly applied U.S.S.G. § 2D1.1 and 18 U.S.C. § 3583(a) in sentencing.

The Court **ORDERS** the Government to file a response to Petitioner’s motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

Dated: October 18, 2006

s/ J. Phil Gilbert
U. S. District Judge